IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 13399 of 2007(T)

PETITIONER:

R.BALAKRISHNA KURUP, S/O. LATE RAMAN NAIR, AGED 72 YEARS, SAVITHRI SADANAM, ELAMPALLIL, PAYYANALLOOR P.O., PALLICKAL VILLAGE, ADOOR TALUK.

BY ADV. SRI.BECHU KURIAN THOMAS
SRI.ROSHEN.D.ALEXANDER

RESPONDENTS:
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1. DISTRICT SUPERINTENDENT OF POLICE, OFFICE OF THE SUPERINTENDENT OF POLICE, KOLLAM DISTRICT.

2. CIRCLE INSPECTOR OF POLICE, SASTHAMKOTTA, KOLLAM DISTRICT.

3. SUB INSPECTOR OF POLICE, SOORANADU POLICE STATION, SOORANADU, KOLLAM DISTRICT.

BY GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 13399 OF 2007-T

Dated 4th October, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner has approached this Court, alleging that the respondents are harassing him. The respondents would submit that the person who was accused in a crime involving theft of rubber sheet confessed that the stolen rubber sheets were sold to the petitioner. So, as part of the investigation, the petitioner was taken into custody and later he was released. The petitioner submits, he not being an accused in the crime, his arrest is illegal. If the petitioner is aggrieved by his detention, he may work out his remedies against it before the appropriate forum. If his presence is required as a witness, the police shall issue notice to him under Section 160 Cr.P.C. The submission of the learned Government Pleader that the respondents have no intention to harass the petitioner is recorded. But, it is clarified that the power of the police to investigate any crime or to arrest any person who is accused in that crime, will not be affected by the

above undertaking.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/